

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SAGI BARZILAY,

Plaintiff,

vs.

TAMAR BARZILAY,

Defendant.

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Case No. 4:07CV01781 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on the Post-Remand Brief of Sagi Barzilay, Motion for Stay of State Court Proceedings, and Imposition of Provisional Measures [doc. #35] and the Post-Remand Brief of Defendant Tamar Barzilay [doc. # 34].

On September 5, 2008, the Court held a status conference in which the parties discussed how they proposed to proceed following the Eighth Circuit's reversal and remand of the Court's prior decision in this case. The Court requested that the parties submit briefs outlining the issues that they would like to address in a future hearing on the matter, requesting any discovery the parties feel is necessary, and making recommendations as to when the hearing should take place. Both parties have submitted their briefs.

It is clear from the post-remand briefs submitted that an evidentiary hearing is necessary in this matter. The hearing is set for December 12, 2008, at 9:00 a.m. The parties differ as to whether discovery should be allowed prior to such a hearing, and to what extent. The Court will allow the parties to complete limited discovery in this matter prior to the hearing. Specifically, Defendant Barzilay will be permitted to complete the discovery she requested in her Post-Remand Brief: review of the expert Israeli law Plaintiff intends to introduce; procurement of an expert in

opposition to Plaintiff's expert Israeli law, if necessary; and deposition of Plaintiff to determine critical facts and to determine the need for rebuttal witnesses. Other discovery will be allowed by the Court upon request. All discovery must be completed no later than November 14, 2008.

Both parties will be required to submit briefs prior to the evidentiary hearing, detailing the exact issues to be addressed in the hearing. The briefs must be submitted by November 26, 2008, and responsive briefs must be submitted by December 5, 2008.

Plaintiff Sagi Barzilay included in his Post-Remand Brief a Motion for Stay of State Court Proceedings, requesting that this Court stay the concurrent state court proceedings, pending resolution by this Court of the issues raised in Plaintiff's Hague Convention petition. The Court will grant Plaintiff's Motion.

Plaintiff Sagi Barzilay also included in his Post-Remand Brief a Motion for Imposition of Provisional Measures, requesting that this Court enter an order providing for the temporary organization of parental access. The Court has set a hearing on this motion for October 14, 2008, at 2:00 p.m.

ACCORDINGLY,


IT IS HEREBY ORDERED that the following schedule shall now apply in this case:

1. All discovery in this case shall be completed no later than **November 14, 2008**.
2. Briefs detailing the exact issues to be addressed in the evidentiary hearing shall be submitted by both parties no later than **November 26, 2008**.
3. Responsive briefs shall be submitted no later than **December 5, 2008**.
4. The evidentiary hearing is set for **December 12, 2008** at **9:00 a.m.** in Courtroom 12S before United States District Judge E. Richard Webber.

IT IS FURTHER ORDERED that Plaintiff's Motion for Stay of State Court Proceedings is **GRANTED**.

IT IS FURTHER ORDERED that a hearing on Plaintiff's Motion for Imposition of Remedial Measures is set for **October 14, 2008** at **2:00 p.m.** in Courtroom 12S before United States District Judge E. Richard Webber.

So Ordered this 25th Day of September, 2008.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE